

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONALD JOSHUA SMITH,

Plaintiff,

v.

DHARMYIR SINGH, et al.,

Defendants.

No. 2:20-cv-00101-TLN-JDP

ORDER

Plaintiff Donald Joshua Smith (“Plaintiff”), a state prisoner proceeding *pro se*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 28, 2021, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 27.) Plaintiff has filed two documents in which he indicates that he has no objections to the findings and recommendations. (ECF Nos. 30–31.)

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed *de novo*. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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1 The Court has reviewed the file and finds the findings and recommendations to be
2 supported by the record and by the magistrate judge's analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The Findings and Recommendations filed January 28, 2021 (ECF No. 27), are
5 ADOPTED IN FULL;

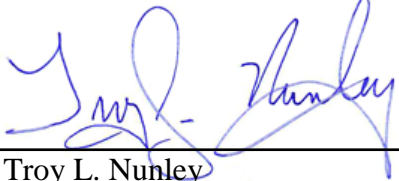
6 2. The action shall proceed on the Second Amended Complaint's Eighth Amendment
7 claims for deliberate indifference against Defendant Dharmyir Singh ("Defendant") for failure to
8 treat musculoskeletal injuries to his arm and back;

9 3. All other claims and defendants are DISMISSED without prejudice; and

10 4. The matter be referred back to the magistrate judge so that service may be initiated for
11 Defendant.

12 IT IS SO ORDERED.

13 DATED: April 20, 2021

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17 Troy L. Nunley
United States District Judge